

Mr. LINCOLN DIAZ-BALART of Florida. I urge my colleagues to vote “no” on the previous question and in favor of a bipartisan long-term solution that helps protect American lives from international terrorism.

With that, Madam Speaker, I yield back the balance of my time.

Ms. MATSUI. Madam Speaker, first, I would like to say that the Foreign Intelligence Surveillance Act continues to give the intelligence community the tools it needs to monitor terrorists. The government always has the option of tapping targets immediately and returning to the FISA Court within 72 hours to obtain an order.

My constituents and those of other Members of Congress view the protection of civil liberties as one of their top priorities. The American people want us to do our representational duty to uphold the Constitution and deliberate on this issue. We are working hard to ensure that our national security needs are met as our constitutional rights are protected.

Now we are working to support national service in our country, which helps our communities respond to disasters and also encourages our youth to engage in civic participation. Last year, I had the pleasure of meeting with Tatiana, a strong and determined young woman from Sacramento, my hometown, who received an award for CorpsMember of the Year. When Tatiana was just 15, her mother was incarcerated, and later, she was expelled from high school. Meeting with her and hearing her story of how she used the local Conservation Corps to turn her life around was truly inspiring.

This reauthorization takes programs and infrastructure that have touched so many lives, such as Tatiana, and builds off its foundation to greatly increase the quality and quantity and improve national service. National service is a proven return on our investment. With this bill, we will broaden those involved in service, and in doing so, foster the values of civic engagement and duty that can change a life and also draw upon the lessons of guidance and wisdom of our seniors that only a lifetime of experience can provide.

This bipartisan legislation makes excellent improvements to an already successful Federal agency. It improves access and support for organizations and grant applicants, and most importantly, reassures our valued volunteers that Congress supports them and their work. I urge a “yes” vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1015 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. “That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing

certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker’s table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.”

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution .... [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here’s how the Rules Committee described the rule using information from Congressional Quarterly’s “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment

or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time of any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 217, nays 193, answered “present” 1, not voting 17, as follows:

[Roll No. 103]

YEAS—217

Abercrombie	Delahunt	Kind
Ackerman	DeLauro	Klein (FL)
Allen	Dicks	Kucinich
Altmire	Dingell	Langevin
Andrews	Doggett	Larsen (WA)
Arcuri	Doyle	Larson (CT)
Baca	Edwards	Lee
Baird	Ellison	Levin
Baldwin	Ellsworth	Lewis (GA)
Becerra	Emanuel	Lipinski
Berkley	Engel	Loebach
Berman	Eshoo	Lofgren, Zoe
Berry	Etheridge	Lowey
Bishop (GA)	Farr	Lynch
Bishop (NY)	Filner	Mahoney (FL)
Blumenauer	Frank (MA)	Maloney (NY)
Boren	Giffords	Markey
Boswell	Gillibrand	Marshall
Boucher	Gordon	Matsui
Boyd (FL)	Green, Al	McCarthy (NY)
Boyd (KS)	Green, Gene	McCollum (MN)
Brady (PA)	Grijalva	McDermott
Braley (IA)	Gutierrez	McGovern
Brown, Corrine	Hall (NY)	McIntyre
Butterfield	Hare	McNulty
Capps	Harman	Meek (FL)
Capuano	Hastings (FL)	Meeks (NY)
Cardoza	Herseth Sandlin	Melancon
Carnahan	Higgins	Michaud
Carney	Hill	Miller (NC)
Castor	Hinchee	Miller, George
Chandler	Hinojosa	Mitchell
Clarke	Hirono	Mollohan
Clay	Hodes	Moore (KS)
Cleaver	Holden	Moore (WI)
Clyburn	Holt	Moran (VA)
Cohen	Honda	Murphy (CT)
Conyers	Hooley	Murphy, Patrick
Cooper	Hoyer	Murtha
Costa	Inslee	Nadler
Costello	Israel	Napolitano
Courtney	Jackson (IL)	Neal (MA)
Cramer	Jackson-Lee	Oberstar
Crowley	(TX)	Obey
Cuellar	Jefferson	Oliver
Cummings	Johnson (GA)	Ortiz
Davis (AL)	Jones (OH)	Pallone
Davis (CA)	Kagen	Pascarelli
Davis (IL)	Kanjorski	Pastor
Davis, Lincoln	Kaptur	Payne
DeFazio	Kildee	Perlmutter
DeGette	Kilpatrick	